

George Torgun (Bar No. 222085)
Sejal Choksi-Chugh (Bar No. 222093)
Andrea Kopecky (Bar No. 276366)
SAN FRANCISCO BAYKEEPER
785 Market Street, Suite 850
San Francisco, California 94103
Telephone: (415) 856-0444
Facsimile: (415) 856-0443
Email: george@baykeeper.org
Email: sejal@baykeeper.org
Email: andrea@baykeeper.org

Attorneys for Plaintiff:
SAN FRANCISCO BAYKEEPER

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

SAN FRANCISCO BAYKEEPER, a non-profit
corporation,

Plaintiff,

v.

OLDCASTLE PRECAST, INC.,

Defendant.

Civil No. C 13-05153 KAW

**NOTICE OF SETTLEMENT; STIPULATION
TO VACATE CASE MANAGEMENT
CONFERENCE AND ASSOCIATED
DEADLINES; ~~PROPOSED~~ ORDER**

Honorable Kandis A. Westmore

TO THE COURT AND TO THE PARTIES:

PLEASE TAKE NOTICE that Plaintiff San Francisco Baykeeper (“Baykeeper”) and Defendant Oldcastle Precast, Inc. (“Oldcastle”) (collectively, the “Parties”) have reached a tentative settlement in this action, which has been executed by the Parties. As required by federal law, a copy of the [Proposed] Settlement Agreement has been sent to the U.S. Department of Justice and to the U.S. Environmental Protection Agency (collectively, “the Agencies”) for a mandatory 45-day review period under Section 135.5 of Title 40 of the Code of Federal Regulations. Copies of the [Proposed] Settlement Agreement will be sent to the Agencies via U.S. Certified Mail on today’s date. Upon expiration of the 45-day review period, the Parties will jointly request that the Court (1) approve and execute an Order dismissing the Complaint, and (2) approve and execute the [Proposed] Settlement Agreement which provides for continuing Court jurisdiction over any disputes which may arise between the parties under the agreement.

Consistent with the impending settlement of this action, the Parties hereby respectfully request that the Court vacate from its calendar the April 15, 2014 Case Management Conference and associated deadlines. The Parties also request a continuance for Oldcastle to file its Answer, which is due during the 45-day review period on April 20, 2014. The Parties request that Oldcastle’s Answer due date be continued to June 20, 2014.

Dated: April 9, 2014

Respectfully submitted,

By: /s/ Andrea Kopecky
Andrea Kopecky
Attorney for Plaintiff
SAN FRANCISCO BAYKEEPER

/s/ Kerri M. Melucci
Kerri M. Melucci
Attorney for Defendant
OLDCASTLE PRECAST, INC.

~~[PROPOSED]~~ ORDER

IT IS HEREBY ORDERED that the Parties' Case Management Conference is vacated. Defendant's time to file an Answer is continued to June 20, 2014.

IT IS SO ORDERED.

NORTHERN DISTRICT OF CALIFORNIA

Dated: 4/11/14



Honorable Kandis A. Westmore
United States District Court

